

In the United States Patent and Trademark Office

| | | | |
|------------------|------------|-------------|------------------|
| Applicant: | Forte | Docket No.: | 13969.1 |
| Serial No.: | 09/374,117 | Group: | 1771 |
| Confirmation No: | 3340 | Examiner: | Vo, Hai |
| Filed: | 08/16/1999 | Date: | January 21, 2005 |

For: Multilayer Breathable Film and a
Method for Making a Multilayer
Breathable Film

Terminal Disclaimer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECEIVED
CENTRAL FAX CENTER
JAN 21 2005

The Present Application

Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 09/374,117 filed on 08/16/1999 for "Multilayer Breathable Film and a Method for Making a Multilayer Breathable Film".

Commonly Assigned Patent

Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to U.S. patent number 6,114,024 issued on 09/05/2000 for "Multilayer Breathable Film".

Right of Assignee to Prosecute

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, title of present U.S. patent application serial number 09/374,117 is in Kimberly-Clark Worldwide, Inc.

Terminal Disclaimer

1. Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 09/374,117, which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for U.S. patent number 6,114,024.
2. Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 09/374,117 shall be enforceable only for and during such period that the

legal title to such patent shall be the same as the legal title to U.S. patent number 6,114,024. This agreement shall run with any patent granted upon present U.S. patent application serial number 09/374,117 and shall be binding upon Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

Exceptions to Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, U.S. patent number 6,114,024:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 09/374,117 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156, including any term extensions, as applicable to any patent granted on U.S. patent 6,114,024.

Fee

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide Inc.'s deposit account number 11-0875. This Terminal Disclaimer is filed in duplicate.

The undersigned is an attorney of record in the present application having serial no. 09/374,117.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

Forte

By:



William D. Herrick

Registration No.: 25,468

Tel.: 770-587-8096

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Faye Farrell, hereby certify that on January 21, 2005, this document is being faxed to The United States Patent and Trademark Office at 703-872-9306.

By:


Faye Farrell